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SUBJECT: ENVIRONMENTAL SUBCOMMITTEE IMPASSE: SPI 10 FORECAST

Classified By: A/DCM Joseph Y. Yun. Reasons 1.4 (b,d).

1. (C) SUMMARY: At the end of Security Policy Initiative (SPI) 9 meeting on July 13, the chairs of both parties left with an agreement that fifteen of eighteen bases would be returned immediately and formally accepted by the ROKG, with documents signed within 1 or 2 weeks following internal administrative actions. Both parties agreed that "bio-slurping" would be conducted at five camps not included with the eighteen camps returned on July 14 (see Table). This agreement included holding Joint Environmental Subcommittee meetings to explain the details of the ROKG environmental remediation proposal tabled at SPI-9 and the U.S. selection criteria for additional environmental measures as outlined in the DUSD Lawless June 15 letter to Ministry of National Defense (MND). At SPI-9 the ROKG stated that the additional three camps would be fully accepted after further consultation concerning the fuel contamination on those camps. The status of three bases accepted by the ROKG, but not acknowledged as officially returned, remains unclear after the environment subcommittee meetings. The ROKG continues to push for additional measures and has not clearly answered all U.S. questions on its environmental proposal.
END SUMMARY.

SPI-9: USG-ROKG Disagreement on Where We Are

2. (SBU) When SPI-9 adjourned on July 13, the U.S. reiterated that eighteen bases would be returned on July 15, per DUSD Lawless, letter, dated June 15, 2006 (see Table 1). On 14 July, the USG returned the keys and real estate documents for those bases to the Ministry of National Defense. On July 15, USFK terminated base security contracts and affected handover to MND personnel. At the end of SPI-9, the USG also stated that no further environmental surveys would be conducted on these camps. The U.S. added that five bases, selected by the USG and separate from the group of eighteen, would be subject to bio-slurping, to remove the free product found floating on the groundwater. The USG emphasized that the bio-slurping was a measure of good faith and not required under the Status of Forces Agreement (SOFA).

3. (SBU) While the ROKG accepted the proposal to conduct bio-slurping at five camps (Camps Edwards, Essayons, Falling Water, Page and Sears), it also proposed that four additional camps (Camps Garry Owen, Gary Annex, Kyle and Walker) should undergo bio-slurping. This proposal raised the ROKG desired number of bases to be bio-slurped from five to nine (see Table 1, Groups 1 and 3). As a result of SPI-9 discussions, the two sides decided that Joint Environmental Subcommittee meetings were necessary to explain the U.S. selection process

and criteria for bio-slurping the five DUSD Lawless cited camps and to understand the ROKG proposal at SPI-9.

Explanation vs. Negotiation

¶4. (SBU) The subcommittee meetings occurred on July 21, 28, 31 and on August 2. It became clear that the ROKG saw the subcommittee meetings as a forum for continued negotiation and not a venue to understand U.S. criteria or to present the details of their remediation proposal. On July 21, the U.S. side explained in detail to the ROKG its selection criteria for the five camps where bio-slurping will take place (see Table Group 1). In addition, the U.S. side explained why three of the camps, proposed by the ROKG, do not meet the U.S. established bio-slurping criteria. The U.S. did not address the ROKG concerns about the fourth camp (Camp Walker) and stated that the environmental survey is ongoing.

¶5. (SBU) The ROKG disagreed with the U.S., and it became clear that the Ministry of Environment (MOE) aimed to renegotiate the number of camps to be bio-slurped and to establish a new environmental baseline for future base returns to include Yongsan Relocation Plan / Land Partnership Plan property. MOE Co-chair, Kim Hak-Joo, argued that the four bases meet some of the USG criteria for bio-slurping and presented soil contamination data bringing the ROKG bio-slurping proposal to a total of nine camps. Additionally, the ROKG proposal included establishing a joint evaluation committee for a new environmental baseline. After six months the joint committee would evaluate the bio-slurping process to determine if additional measures were required. In an apparent attempt to reopen the July 13 SPI-9 agreements, Kim also proposed that the joint verification committees revisit the fifteen returned camps already accepted by the ROKG to verify the additional measures completed by the U.S. The ROKG was not prepared to explain procedures beyond revisiting the camps and had no answer in the event the verification committee found something remiss.

¶6. (SBU) The final, and most troublesome, portion of the ROKG proposal states that future bases to be granted to the U.S. must be remediated to meet ROK national environmental standards. The ROK delegation was unable to answer whether the ROKG plans to implement such regulations for Camp Humphreys/Pyongtaek, but later added it, removed it then re-added it again. The ROKG was also unable to answer whether it was proposing to renegotiate the current SOFA agreement, which clearly does not require such remediation.

Environmental Challenges for SPI-10

¶7. (C) The subcommittee meetings made it clear that the ROKG MOE proposal includes participation in the camp bio-slurping selection process and final decision authority on the effectiveness of the additional measures - a prerogative the U.S. repeatedly explained belonged to the USFK Commander. In the event of joint evaluation committee disagreement, the ROKG would not accept camp return. The U.S. reminded the ROK that the first stage of the bio-slurping process on camps has already begun and is scheduled for completion by February ¶2007. The project contract will be complete in May 2007.

¶8. (C) COMMENT: The Joint Environmental Subcommittee meetings revealed a significant gap remained between the U.S. and ROK.

These meetings included representatives from the MND, Blue House, MOFAT and MOE. MOE representative Kim, the ROKG subcommittee meeting lead, openly disagreed with other members of the ROKG team on the meetings, purposes and the details of the ROKG proposal. At the August 2 meeting, the U.S. would not consent to follow-on subcommittee meetings stating that the SPI-9 charter for the meetings had been met.

The U.S. stated at SPI-9 that absent agreement, the U.S. would refer to the June 15 letter and the SOFA as the

environmental way ahead.

Table: Bases Returned On July 15

Camp Bonifas, Camp Howze, Seoul RTO, Camp Liberty Bell, Camp Stanton, UN Compound, Camp Nimble, Freedom Bridge, CPX A-1 at Humphreys, Charlie Block, Camp Kyle, Camp MacNab, Camp Garry Owen, Camp LaGuardia, Camp Giant, Camp Colbern, Camp Greaves, Camp Gray

Group 1: 5 bases that the USG has agreed will receive further remediation (bioslurping) -- no USG-ROKG disagreement

Camp Edwards, Camp Essayons, Camp Falling Water, Camp Page, Camp Sears

Group 2: 15 bases that the USG and ROKG agreed would be returned to the ROKG without further remediation at the conclusion of the SPI 9 meeting (July 13)

Camp Bonifas, Camp Howze, Seoul RTO, Camp Liberty Bell, Camp Stanton, UN Compound, Camp Nimble, Freedom Bridge, CPX A-1 at Humphreys, Charlie Block, Camp MacNab, Camp LaGuardia, Camp Colbern, Camp Giant, Camp Greaves

Group 3: 4 bases that the ROKG asserts require further remediation (bio-slurping)

Camp Gary Owen, Camp Gray, Camp Kyle, Camp Walker
STANTON